

TO: Town Council

FROM: Kinsey O'Shea, AICP, Town Planner, 1/20

TITLE: RZN19-0002/ORD 1895-Request to rezone 33.871 acres of land formerly known as the Blacksburg High School at 520 Patrick Henry Drive (Tax Map Nos. 227-A 4, 227-A 4C & 227-A 4D) from R-4 Low Density Residential to PR Planned Residential by Jeanne Stosser of SAS Builders (applicant/contract purchaser) and Clint Pendleton of Parker Design Group (applicant's engineer/agent) for David Hagan of HS Development LLC (owner)

DATE: August 30, 2019

At the August 20, 2019 Town Council Work Session, staff gave a presentation focusing on the staff report for the application dated July 26, 2019. Prior to the August 20 work session, the applicant submitted a letter to staff outlining several changes that were intended to be made to the application, proffer, and plan. The key points of the Council discussion focused on:

- Concern about student housing
- Lack of specificity in architectural commitments
- Building materials
- Overall density
- Neighborhood compatibility and impacts

Taking into consideration the Council discussion, the applicant has provided a revised application, and plan, and proffer statement dated August 23, 2019. This is the most recent proffer statement to date, though it will need to be updated to reflect the most recent date. The changes to the application include:

- Removed all 6-plex buildings and some 4-plex buildings. Buildings will be a mix of 3-units; 4-units; and 5-units side-by-side.
- Revision of layout in the northeast portion of the development site to accommodate reduced density from 111 units to 100 units
- Additional dimensioning provided in relation to front building setbacks for townhomes
- Removal of development and district standards for Areas 1 and 3 from Section 2.7, which are the two areas under contract for Town purchase
- Exception regarding front façade variation of townhomes shall not apply to any more than two adjacent units (i.e. there will not be 3 adjacent units that are flush). The exception to allow flush units (without front yard variation 3'-8') is still requested.
- Additional language regarding occupancy and rental units in Proffer #7.
- Added Proffer #8 that the HOA cannot restrict the use of solar panels on any unit.

Proffer Statement:

1. The Owner will develop the property in substantial conformance with the Old Blacksburg High School Planned Residential District Preliminary Master Plan (the "Application") prepared by

Parker Design Group, Inc. of Roanoke, Virginia & Communita Atelier LLC of Seattle, Washington, dated 23 August 2019 or as amended.

2. No purpose-built student housing design with four-bedroom, four bath parity is allowed. Four-bedroom or three-bedroom units with three and a half (3.5) or fewer baths may be constructed notwithstanding what is depicted and stated in the Application. *Staff has concerns regarding this proffer. The language in the last phrase of the proffer seems to indicate that if the application would allow 4-bed/4-bath construction, then the proffer would allow it too. This language should be further clarified, or removed, or reference a specific portion of the application.*
3. The Owner shall reserve, after construction completion of all the dwelling units within Area 2, as described in the Preliminary Master Plan, any excess stormwater nutrient removal credits generated by the stormwater management system serving the residential development on Area 2, for future developments within Area 1 as described in the Preliminary Master Plan, pursuant to § 62.1-44.15:35 of the Code of Virginia.
4. No more than 100 dwelling units shall be constructed within Area 2.
5. Exposed exterior walls (above finished grade) for residential dwellings shall consist of brick, stone, cultured stone, cementitious siding (e.g., Hardiplank or equivalent), engineered siding (e.g., LP Smartside or equivalent), high-grade vinyl siding (a minimum of .042" nominal thickness as evidenced by manufacturer's printed literature), shake siding or PVC in gables, or a combination of the foregoing; provided, however, a minimum of 25% masonry materials. Vinyl windows, trim and molding may be used. Alternate materials may be allowed if requested by Owner and specifically approved by the Director of Planning upon a demonstration by Owner that such materials are of equivalent quality, function, or manufacturer to those specifically enumerated above.
6. Prior to or concurrent with the final approval of the initial site plan and/or subdivision for Area 2, a document setting forth covenants (the "Covenants") shall be recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia (the "County") setting forth controls on the development and maintenance of Area 2 and establishing an owners' association (the "Association"). The Association shall establish uniform rules related to the standards for approval by the Association of improvements within Area 2, including, but not limited to, construction of any dwelling units.
7. All residential units in the Planned Residential District shall be part of the Association, which must adopt the following rules and regulations prior to the sale of any residential units and maintain them after units are sold. The provisions in this Section 7 do not apply to transfers by the developer to related and/or subsidiary entities, but shall apply after the sale of the first completed unit.
 - 1) All purchasers shall be required to represent to the seller in an affidavit, at the time of purchase that they are not acquiring the property primarily for investment purposes or as a "rental property."
 - 2) In the event that a residential unit is rented, a standard residential lease form must be used and the names of all tenants and contact information must be provided in the application and executed lease. The lease shall be filed with the Association prior to tenant occupancy.
 - 3) Leases shall be for a minimum term of twelve (12) months, and no residence may be individually leased by the bedroom.
 - 4) Leases shall provide that sub-leasing requires permission from the Owner of the unit.
 - 5) All leases must contain a clause notifying the tenants of the obligations to abide by all covenants and bylaws, as well as the occupancy limitations established by the Application.

The applicant is still working with the Town Attorney and staff to continue to make changes to this proffer, and the proffer statement will have to be updated when final proffers are made.

8. The Association shall not adopt any covenants or bylaws prohibiting Owners from installing rooftop solar collection devices.

ATTACHMENTS

- Application revised August 23, 2019
- Proffer Statement Dated August 23, 2019

